

**REMARKS**

Upon entry the present amendment, claims 16, 19-21, 23, 24, and 26-30 will have been amended to clarify the recitations thereof. Moreover, claims 17, 22 and 25 will have been canceled without prejudice or disclaimer of the subject matter thereof.

Initially, Applicants which to respectfully thank Examiner Miller for his cooperation in scheduling and conducting a telephone interview with Applicants undersigned representative on May 15, 2008. In addition to Applicants undersigned representative, a representative of the assignee of the present application, Mr. Ono, also participated in the interview.

During the above noted interview, Applicants representative discussed the claims pending in the present application as well as the disclosure of the reference relied upon by the Examiner in the outstanding rejection, HADAD (U.S. Patent No. 7, 224, 742).

Further, during the above noted interview, Applicants proposed incorporating the features of previously pending claim 17 into independent claim 16.

Additionally, in view of the above noted incorporation of the features of claim 17 into independent claim 16, Applicants reviewed the disclosure of the HADAD reference with the Examiner and pointed out that HADAD does not disclose, inter alia, the "selecting" as recited in the pending claims. During the discussion, the Examiner agreed with Applicants undersigned representative that the disclosure of HADAD was inadequate with respect to the above noted feature, in the claimed combination.

During the above noted interview, Applicants' representative additionally discussed with the Examiner the streamlining of the language of the claims in view of the incorporation of the features of claim 17 into claim 16. The Examiner, after

reviewing the proposed language, indicated that he did not feel that such streamlining of the language would present a problem, although the status of the application is after final rejection.

While Applicants only discussed claims 17 and 16 during the above noted interview, Applicants pointed out that generally similar changes would be made to the other independent claims in the present application.

Applicants have prepared the present response based upon the discussion and agreements reached with the Examiner during the above noted interview and again respectfully thank the Examiner for his open-mindedness and for his cooperation in conducting the above noted interview.

As noted above, by the present response, Applicants have amended the claims to overcome the rejections set forth in the outstanding Official Action. Accordingly, in view of the herein contained amendments and in view of the discussion during the above noted interview, Applicants respectfully submit the all claims in the present application are now clearly in condition for allowance and Applicants thus respectfully request reconsideration and withdrawal of such rejections. Such action is now believed to be appropriate and proper and is thus respectfully requested.

In the outstanding Official Action, the Examiner rejected claims 20-22, 29 and 30 under 35 U.S.C. § 112, second paragraph. The Examiner asserted that the claims are indefinite and that they failed to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

With regard to claim 20, by the present response, Applicants have deleted the language that the Examiner asserted to be indefinite and unclear. Similarly, with regard to claim 21, the language objected to by the Examiner has been deleted.

With regard to the various objections to the language of claim 21, by the present response, each of the above noted terminologies has been either deleted or modified to more clearly define the features of Applicants' invention. In particular, the claim has now been amended to clarify that the "different" modulated signals are signals transmitted from a plurality of antennas. Further, with regard to the "selecting" noted by the Examiner, the claim has been revised to clearly indicate that for the first carrier group and for the second carrier group, one of a first frame configuration and a second frame configuration is selected, where both the first and second frame configurations are defined in the claim.

Claim 22 has been canceled and thus the rejection thereof has been rendered moot.

Claim 29 has been amended to delete the "respectively" term that the Examiner considered to be indefinite. It is respectfully submitted that the meaning of the claim without the above noted term is properly descriptive of Applicants' invention. Claim 30 has been amended in a fashion similar to claim 20 to eliminate the terminology that the Examiner considered to be unclear.

Accordingly, in view of the above noted amendments to the claims, it is respectfully submitted that each of the claims in the present application now clearly and distinctly describes the features of Applicants' invention and is not subject to any 35 U.S.C. § 112 rejection. Moreover, the claims are clear and definite and particularly point

out and distinctly claim to subject matter which Applicants regard as their invention. Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection of the claims under 35 U.S.C. § 112, second paragraph.

In the outstanding Official Action, the Examiner rejected claims 16-31 under 35 U.S.C. § 102(e) as being anticipated by HADAD (U.S. Patent No. 7, 224, 741). Applicants respectfully traverse the above-noted rejection and submit that it is inappropriate with respect to the combinations of features now recited in Applicants claims, as set forth and discussed with the Examiner during the above noted interview and as will be summarized hereinbelow. In particular, HADAD does not disclose, in the claimed combinations, the “selecting” recited in Applicants’ claim 16 or the corresponding terminology of the other independent claims. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the outstanding rejection applied against the claims in the present application is being anticipated by HADAD.

Applicants’ invention is directed to a transmission method and a transmitting apparatus as defined by the various claims. Utilizing claim 16 as a nonlimiting example of Applicants invention, the transmission method is provided for transmitting an orthogonal frequency division multiplexing signal. The method includes composing, on a per unit time basis, a plurality of carrier groups each including one or more subcarriers and assigning, on a per unit time basis, transmission data for a plurality of transmission destination terminals, to the plurality of carrier groups. The method additionally includes selecting, for each of the carrier groups on a per unit time basis, one of a first frame configuration where the transmission data is transmitted using one modulated signal, and

a second frame configuration where the transmission data is transmitted using a plurality of modulated signals, and transmitting the assigned transmission data.

It is respectfully submitted that HADAD does not disclose the above noted combination of features. In particular, HADAD is directed to a system and method for cellular communications which includes allocating subcarrier to subscribers. In particular, in order to allocate the subcarrier groups, a Reed-Solomon code is utilized. The purpose of the HADAD disclosure is to eliminate interference between adjacent cells. In this regard the Examiner's attention is respectfully directed to Figure 6 of HADAD. However, HADAD does not disclose the "selecting" as recited in each of Applicants' claims, as presently amended. Accordingly, Applicants respectfully request reconsideration of the outstanding rejection together with an indication of the allowability of all of the claims pending in the present application, in due course.

Although the status of the present application is after final rejection Applicants nonetheless submit that in accordance with the provisions of 37 C.F.R. § 1.116 entry of the present amendment is appropriate and proper. In particular, the amendments to the claims contained in the present response either eliminate the basis for the Examiner's rejection thereof under 35 U.S.C. § 112, or incorporate the substantive recitations of a dependent claim into the independent claims. Accordingly, these amendments do not raise any new issues that would require further consideration or search. On the other hand, the present amendments clearly places the present Application in condition for allowance by distinguishing over the reference relied upon in the rejection, as explained to the Examiner during the above noted interview and as set forth herein.

### **SUMMARY AND CONCLUSION**

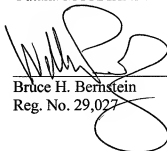
Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Applicants have made of record a telephone interview conducted with the Examiner on May 15, 2 008. Applicants have additionally amended the claims to eliminate any basis for rejection thereof based on 35 U.S.C. § 112.

Applicants have further amended the independent claims to incorporate therein the features of a canceled dependent claim. In this regard, Applicants have discussed the disclosure of the reference relied upon by the Examiner in the outstanding prior art rejection and have pointed out the shortcomings and deficiencies of the reference relied upon. In this regard, Applicants have noted the specific language of the pending claims that is not disclosed, suggested or rendered obvious by the disclosure of the reference relied upon. Accordingly, Applicants have provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully request an indication to such effect in due course.

Any amendments to the claims which have been made in this response, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
Yutaka MURAKAMI

A handwritten signature in black ink, appearing to read 'Bruce H. Bernstein', is written over a horizontal line.

Bruce H. Bernstein  
Reg. No. 29,027

**William Pieprz**  
**Reg. No. 33,630**

June 13, 2008  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191